

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 690.1, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 11, "Identification Section of the Division of Criminal Investigation," Iowa Administrative Code.

Iowa Code chapter 690 requires that each local law enforcement agency in the state take fingerprints of any unidentified dead bodies and of any persons taken into custody for a serious misdemeanor or greater offense. Both the statutory language and the rules require the submission of those fingerprints to the Department within two working days.

Rapid submission of fingerprints, while desirable, is not always practicable, particularly for local agencies affected by emergency conditions. This proposed amendment would address this concern by defining the term "working day," which currently is not defined in the Iowa Code or in the Department's administrative rules. The definition clarifies that no day is counted toward the "two working days" deadline if it is a Saturday, Sunday, state holiday, federal holiday during which the administrative office of the submitting agency is closed, or day during which that office is closed because of emergency conditions.

A public hearing on this proposed amendment will be held on September 9, 2008, at 8:30 a.m. in the First Floor Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The building and conference room are fully accessible. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by mail; by telephone at (515)725-6185; or by electronic mail to admrule@dps.state.ia.us at least one day prior to the public hearing.

Any written comments or information regarding the proposed amendment may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated by 4:30 p.m. on September 9, 2008, or may be submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office at least one day prior to the public hearing.

This amendment was also Adopted and Filed Emergency, effective July 1, 2008, and is published herein as **ARC 6987B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code section 690.2.